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July 7, 1986

EPA Region 5 Records Ctr.



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MINN. POLLUTION
CONTROL AGENCY

Mr. Tom Kalitowski
Executive Director
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113

Mr. Richard Svanda
Director
Division of Solid and Hazardous Waste
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113

Re: Lake Francis-Tustin-Tetonka Pollution and
Water Level Controversy
Our File Number 2688.01

Gentlemen:

As a result of a permit issued by the Department of Natural Resources to Le Sueur County to construct a culvert between Lakes Francis and Lake Tustin, and ensuing litigation, an agreement has been formulated whereby a five-person committee consisting of representatives of the DNR, the MPCA, Le Sueur County, and two lake associations would oversee a series of tests. The tests are designed to determine whether the addition of water to Lake Tetonka will (1) add harmful nutrients to the lake or (2) add harmful chemicals which may have been released from the old dump which exists beneath the surface of Lake Tustin.

The old dump of which I speak is located in Lake Tustin. The dump was an uncontrolled dump from the 1920s until 1972. The MPCA file on the old dump was quite sparse. An inspection was done although there was apparently no follow-up.

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We have eye-witness accounts of some of the materials that went into the dump from 1926 to 1972 and they include:

30 gallon drums of 245-T

drums of waste oil

A mercury compound used in seed treatment by a local seed company.

Arsenic used in the days of killing grasshoppers.

Paint, batteries, and other household chemicals that you would expect.

Our understanding is that the dump was not controlled and that, for that reason, was used to dispose of materials which would cause problems in the City of Waterville's controlled dump. Materials were dumped over the edge and the dump was constructed out into the lake. Because of the increased water levels, the area of the dump is now actually under the water surface of Lake Tustin.

Our concern is that materials in the dump have or will be released over time and that additional water added to Lake Tustin from the culvert leading from Lake Francis will increase the flow of water through Lake Tustin and ultimately to Lake Tetonka.

① We specifically request that the PCA undertake an investigation of this old dump with a view toward remedial action under the Superfund law. I would appreciate a response as to what action, if any, the PCA plans to take.

② I don't know whether the MPCA has formally designated a representative to the committee as yet. Steve Heiskary of your staff did some of the preliminary testing of Lake Tetonka in some modeling prior to the time that the stipulation was agreed to. I understand that Heiskary might be designated as MPCA's representative. Without intending any slight to Steve, may I suggest that the MPCA representative would more appropriately be someone with knowledge and expertise in the area of toxic waste and old dump sites. The reason is that the Lake Francis Association has designated Dr. Joseph Shapiro of the University of Minnesota, a limnologist of some renown, to serve as its representative on the committee. Dr. Henry Quade a biologist

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~~at Mankato State University with a specialization in limnology~~
will be the representative of the Tetonka Lake Association.
Therefore, it seems to us that the addition of a person with
particular knowledge and background in toxic wastes might be
more appropriate as the PCA's representative.

Very truly yours,

PEPIN DAYTON HERMAN GRAHAM & GETTS, P.A.


Charles K. Dayton

CKD/rj

cc: Mike Connolly (MPCA)
Steve Heiskary (MPCA)
All Counsel
Members of the Oversight Committee
Tetonka Lake Association

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